



Attorney Docket No. 23233YXY

35W

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Group Art Unit: 1743

HERMELIN, Victor M.

Examiner: Unknown

Serial No. 10/644,041

Filed: August 20, 2003

For: **MAXIMIZING EFFECTIVENESS OF SUBSTANCES USED TO IMPROVE HEALTH
AND WELL BEING**

TRANSMITTAL LETTER

Commissioner of Patents
P.O. Box 1450
Alexandria, Va 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter;
- (2) Information Disclosure Statement;
- (3) PTO Form 1449 citing 19 references.

The Commissioner is hereby authorized to charge any deficiency or credit any excess to Deposit Account No. 14-0112.

Respectfully submitted,

NATH & ASSOCIATES PLLC

By: _____

Gary M. Nath
Registration No. 26,965
Tanya E. Harkins
Registration No. 52,993
Customer No. 20529

Date: February 15, 2005
NATH & ASSOCIATES PLLC
1030 15th Street NW - 6th Floor
Washington, D.C. 20005
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of: Group Art Unit: 1743
HERMELIN, Victor M. Examiner: Unknown

Serial No. 10/644,041

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For: **MAXIMIZING EFFECTIVENESS OF SUBSTANCES USED TO IMPROVE HEALTH
AND WELL BEING**

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

An Information Disclosure Statement is submitted herewith pursuant to 37 C.F.R. § 1.97-1.98. Please note the following particulars:

[NOTE: One only of items a, b, c, and d must be checked.]

- [X] a. The enclosed statement is being filed within three months of the filing date of a national application, or within three months of the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last.
- [] b. The enclosed statement is being filed after a first action on the merits but before the mailing date of a final action under 37 C.F.R. § 1.113, or a notice of allowance under 37 C.F.R. § 1.311.

The enclosed statement is accompanied by [check one]:

- [] i. a certification in part (e) below as specified in 37 C.F.R. § 1.97(e), or
- [] ii. a check in the amount required by 37 C.F.R. § 1.17(p).
- [] c. The enclosed statement is being filed after the mailing date of a final action under 37 C.F.R. § 1.113, or a notice of allowance under 37 C.F.R. § 1.311, but before payment of the issue fee.
- [] Certification report(e) below; and
- [] a check in the amount as required by § 1.17(p).
- [] d. The enclosed statement is being filed pursuant to 37 C.F.R. § 1.97(i), for placement in the file.
- [] e. Certification [Check one] [Certification is required only if box (b)(i) or box (c) is checked.]

☐ I hereby certify that each item of information contained in the enclosed Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement,

or

☐ I hereby certify that no item of information in the enclosed Information Disclosure Statement herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

or

☐ Appropriate certification is attached.

☒ f. If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 14-0112.

☒ g. Copies of the documents are attached herewith with a completed Form PTO-1449.

or

☒ Copies of the documents are not attached as allowed under CFR 1.98(d)(1)(2). The earlier applications are identified as: **09/323,158 (Patent No. 6,214,379); 09/053,487 (Patent No. 5,945,123; 09/475,992 (abandoned) AND PCT/US99/06800** or Copies of US Patents/Publications not attached as allowed in Official Gazette Aug. 5, 2003/ Vol. 1273, no. 1.

The Examiner is respectfully requested to cite the documents listed on the attached Form PTO-1449 in the next Office Action. In so doing, the Examiner is respectfully requested to initial in the space adjacent to the listing of each document on the Form PTO-1449, and return a copy of the initialed Form PTO-1449 with the next communication to Applicants, to confirm that these documents have been considered by the Examiner and made of record in this application.

If the Examiner has any questions or wishes to discuss this application, kindly telephone the undersigned at the below-listed number.

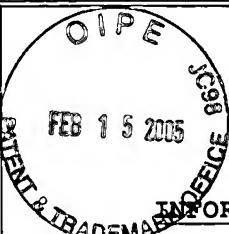
Respectfully submitted,
NATH & ASSOCIATES

By: 

Gary M. Nath
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Date: February 15, 2005

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	FORM PTO-1449	
	Atty Docket 23233YXY	Serial No. 10/644,041
	Applicant HERMELIN, Victor M.	
Filing Date August 20, 2003		Group Art Unit 1743

INFORMATION DISCLOSURE CITATION

U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Issue Date	Name	Class	Sub-Class	Filing Date
	AA	4,182,756	01.08.80	Ramsay et al.			11.21.77
	AB	4,464,170	08.07.84	Clemens et al.			09.29.82
	AC	4,811,845	03.14.89	Baggett			10.06.87
	AD	4,889,238	12.26.89	Batchelor			04.03.89
	AE	4,981,468	01.01.91	Benefiel et al.			01.12.90
	AF	5,047,007	09.10.91	McNichols et al.			12.22.89
	AG	5,233,987	08.10.93	Fabian et al.			07.09.92
	AH	5,494,678	02.27.96	Paradissis et al.			03.27.95
	AI	5,521,208	05.28.96	York			07.29.93
	AJ	5,547,878	08.20.96	Kell			05.24.94
	AK	5,597,072	01.28.97	Lieberman et al.			12.17.93
	AL	5,652,146	07.29.97	Kell			07.05.96
	AM	5,661,123	08.26.97	Stalker et al.			01.17.95
	AN	5,763,396	06.09.98	Weiner et al.			07.01.95
	AO	5,837,284	11.17.98	Mehta et al.			07.14.97
	AP	5,800,420	09.01.98	Gross et al.			12.19.96
	AQ	5,945,123	08.31.99	Hermelin			04.02.98
	AR	5,626,884	05.06.97	Lockett			08.18.95

FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Sub-Class	Translation
	AS						

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AT		Physicians' Desk Reference (PDR), Fifty First Edition, 2573-2576, 959-963, 1965-1970 418-422, 2844-2845 (1997).				
	AU						

Examiner

Date Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP ' 609.
 Draw line through citation if not in conformance and not considered.
 Include copy of this form with next communication to Applicant.